

REMARKS

Claims 1, 3-38, and 40-49 are now pending in the application. Claims 50-55 and 57-61 are cancelled. The Examiner states that claims 1, 3, and 12 are allowed. Applicant acknowledges, with thanks, the Allowance of these claims. Further, Applicant thanks the Examiner for the courtesies extended in the telephonic interview of April 10, 2007. In the telephonic interview, the status of claims 4-11, 13-38, and 40-49 was discussed. The Examiner requested that Applicants arguments with respect to the status of these claims be presented in writing in response to the Office Action. Accordingly, Applicants arguments with respect to these claims are presented below.

Claims 4-11, 13-38, and 40-49 ultimately depend from allowed claim 1. Applicant believes that these claims should be allowed for at least the same reasons as allowed claim 1. The Examiner, however, alleges that these claims should be cancelled because the claims are directed to a non-elected invention.

In particular, an Election Requirement was issued on December 22, 2006. The Election Requirement indicated that the application contained claims directed to three patentably distinct species (i.e., Species I, II, and III; see page 2 of Election Requirement). No claim was considered generic to Species I, II, and III. See page 7 of Election Requirement.

If Species I was elected (i.e., claims 1 and 3-49), the Election Requirement indicated that further restriction was necessary because claims 1 and 3-49 included embodiments defined by sub-species 1a to 4h. See pages 3-7 of the Election Requirement. Claims 3-49 each ultimately depend from claim 1. Accordingly, claim 1 is generic to sub-species 1a to 4h.

On January 17, 2007, a Response to the Election Requirement was filed electing Species I and sub-species 2b, with traverse. Applicant indicated that claims 1 and 3-49 read on Species I and that claims 1, 3, and 12 read on sub-species 2b. Subsequently, the instant Office Action was issued indicating that claims 1, 3, and 12 were allowed. The Examiner, however, indicated that claims 4-11, 13-38, and 40-49 should be cancelled because these claims are directed to a non-elected sub-species.

Because claim 1 is allowed and is generic to sub-species 1a to 4h, however, Applicant respectfully asserts that claims 4-11, 13-38, and 40-49 are in condition for allowance. That is, upon allowance of a generic claim, all claims directed to non-elected sub-species that depend from the generic claim should be allowed as well. Accordingly, Applicant respectfully asserts that the currently pending claims are in condition for allowance.


CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the

Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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